

# Public Notice

**U.S. Army Corps  
of Engineers**  
Pittsburgh District

In Reply Refer to  
Notice No. below

US Army Corps of Engineers, Pittsburgh District  
1000 Liberty Avenue  
Pittsburgh, PA 15222-4186

Application No. 200401729

Date: June 17, 2005

Notice No. 05-43

Closing Date: June 27, 2005

**This Public Notice is an amendment to Public Notice No. 05-27 dated May 26, 2005. Section 401 Water Quality Certification is not required for this proposed project as stated in the original notice.**

1. **TO ALL WHOM IT MAY CONCERN:** The following application has been submitted for a Department of the Army Permit under the provisions of Section 10 of the Rivers and Harbors Act of 1899.
2. **APPLICANT:** Bartley Marine  
2109 Yankee Street  
Wellsburg, WV 26070  
  
**AGENT:** River Salvage Company, Inc.  
1290 Maple Street  
Crescent, PA 15046
3. **LOCATION:** Ohio River, left bank, Mile 75.0, near Wellsburg, Brooke County, West Virginia.
4. **PURPOSE AND DESCRIPTION OF WORK:** The applicant proposes to obtain a permit to make permanent a periodically used fleeting area for loaded and empty barges for power plant and coal loading operations, make up tows and sporadically clean barges which are primarily overflow barges from loading/unloading operations. Deck barges are currently held in place with deadmen. The applicant proposes to construct 6 pipe clusters to hold barges off the riverbank. Work would be accomplished in low water and take approximately 30 days to complete. Drawings of the proposed project are attached to this notice.
5. **IMPACT ON NATURAL RESOURCES:** The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This Public Notice serves as a request to the U. S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

6. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

7. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

8. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity.

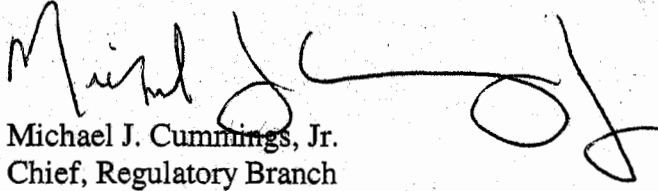
9. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Linda Malsch, at the above address, by telephoning

CELRP-OP-F

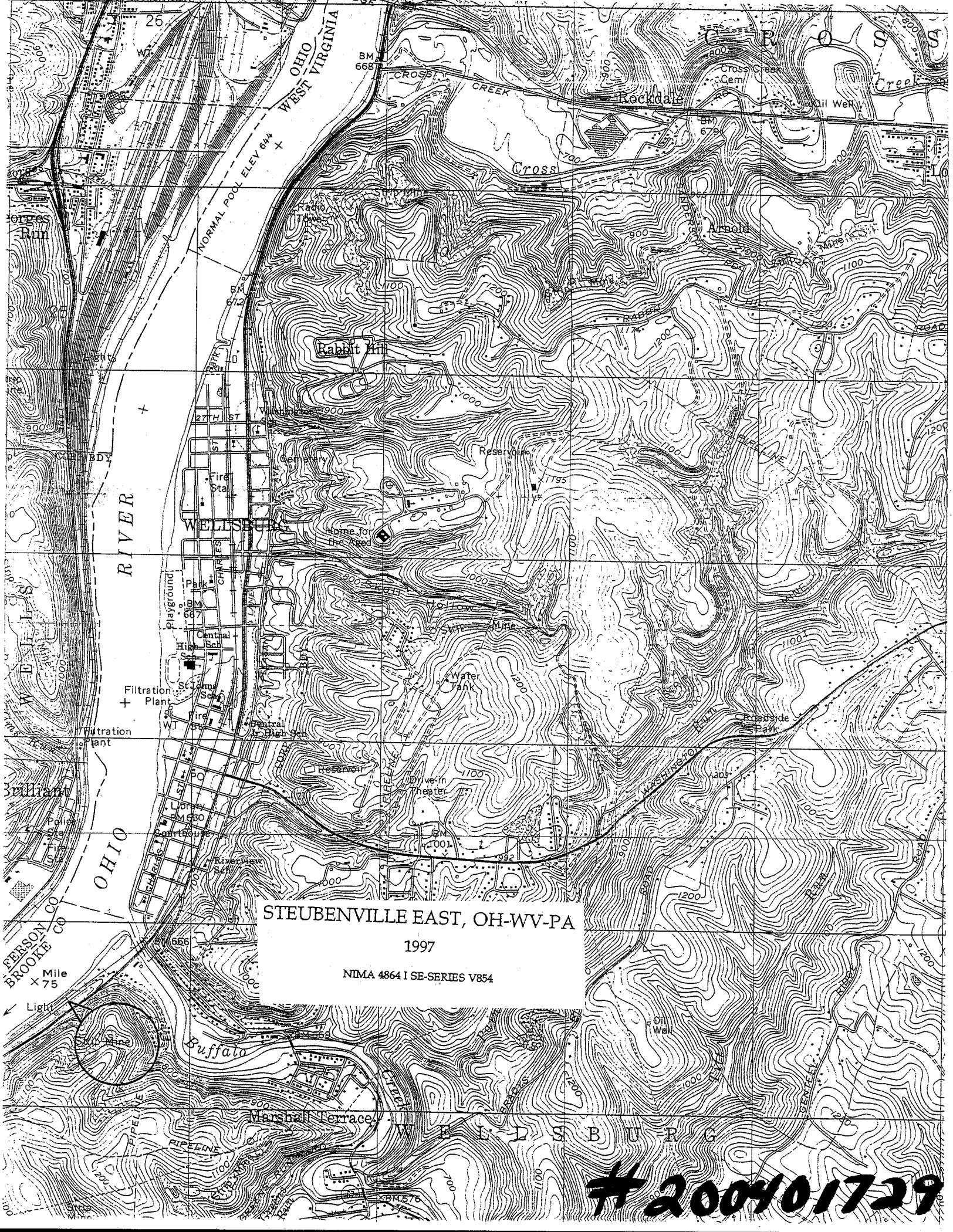
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(412) 395-7392, or by e-mail at [linda.m.malsch@usace.army.mil](mailto:linda.m.malsch@usace.army.mil). Please refer to CELRP-OP-F 200401729 in all responses.

FOR THE DISTRICT ENGINEER:



Michael J. Cummings, Jr.  
Chief, Regulatory Branch



STEUBENVILLE EAST, OH-WV-PA

1997

NIMA 4864 I SE-SERIES V854

#200401729

Proposed  
Clusters (6)

Existing  
Deadmen

West Virginia  
Route 2

Former Railroad  
Right-of-Way

Buffalo  
Creek

Waters Edge

10 - 195'x35' Dock Barges  
40 - 195'x35' loads and  
empties

75.0

Ohio River

No Scale

PLAN

Application by Bartley  
marine for a permit to  
make permanent a  
periodically used fleeting  
area and to construct  
6 pipe clusters at Mile 75.0,  
Left bank, Ohio River  
Brooke County, West Virginia

DWG GB-1

# 200401729



175'

Former Railroad Right-of-Way

El. 673

100 year El. 664

Dock  
Barge

195' x 35'

OHW 648.0  
N.P. 644.0



20'



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DWG GB-2

Section

# 200401729